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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,610	04/18/2005	Renato Cantini	261204US2XPCT	7462

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EXAMINER	
SAFAIPOUR, BOBBAK	
ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,610	CANTINI ET AL.	
	Examiner	Art Unit	
	Bobbak Safaipour	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 November 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see pages 10-12, filed 10/16/2006, with respect to the rejection(s) of claim(s) 1-4, 7-10, and 13-15 under 35 USC 35 USC § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference.

Claims 1-15 are now pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fairman et al (WO/29686 A1)** in view of **Polcyn (US Patent #6,978,006 B1).**

Consider **claim 1**, Fairman et al disclose a method for management of resources of a portable resource module, the resource module connected to a communication terminal and designed in particular as a chipcard (figures 1, 3, and 6), and the resources comprising electronic memory units (figures 1-3, 5-6; col. 1, lines 4-7; page 12, lines 8-20), the method comprising:

transmitting a first resource management instruction comprising a module identification identifying the resource module, to a resource management centre (read as cantaloupe manager); (figures 3-7; page 12, lines 1-7 and 21-32; page 13, lines 7-18; page 15, lines 7-11)

transmitting a second resource management instruction from the resource management centre via a communication network to the resource module identified through the module identification; (figures 1, 3-7; page 15, line 28 to page 16 line 3)

making ready or releasing resources, in accordance with the received second resource management instruction, through a resource control mechanism in the identified resource module; and (figures 5-7; page 12, lines 8-20)

transmitting a resource management confirmation from the identified resource module via the communication network to the resource management centre. (figures 1, 5-6; page 14, lines 8-30)

Fairman et al fail to disclose storing information in the resource management centre about the resources made ready or released, the information being stored assigned to the module identification.

However, Polcyn discloses as known in the art resource management utilizing quantified resource attributes wherein data storage resources may be quantified to allow for better management of resources. A resource manager may be implemented to quantify skills/attributes of such storage devices. (figure 8, col. 17, line 64 to col. 18, line 37)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Polcyn into the teachings of Fairman et al to allow for better management of resources in servicing requests from devices.

Consider **claim 7**, Fairman et al disclose a system comprising:

a plurality of portable resource modules, each connected to a communication terminal (figures 1, 3, and 6) and each comprising a resource control mechanism for making ready and releasing resources in the respective resource module, the resources comprising electronic

memory units, and the portable resource modules are designed as chipcards, and (figures 1-3, 5-6; col. 1, lines 4-7; page 12, lines 8-20)

a resource management centre (read as cantaloupe manager) including a receiving module for receiving a first resource management instruction (figures 6 and 7, page 13, lines 7-18, page 15, lines 7-11) comprising a module identification, transmitted to the resource management centre, the resource management centre also including a management instruction module for transmitting, to the resource module identified by the module identification, a second resource management instruction via a communication network connected to the resource management centre, and (figures 1, 3-7; page 15, line 28 to page 16 line 3)

wherein the resource modules each include a confirmation module for transmission of a resource management confirmation via the communication network to the resource management centre concerning resources which have been made ready or released through the resource control mechanism in accordance with a received second resource management instruction. (figures 1 and 5-7; page 12, lines 8-20; page 14, lines 8-30)

Fairman et al fail to disclose the resource management centre includes a management module and a data store for storing information about the resources made ready or released, the information being stored assigned to the module identification.

However, Polcyn discloses as known in the art resource management utilizing quantified resource attributes wherein data storage resources may be quantified to allow for better management of resources. A resource manager may be implemented to quantify skills/attributes of such storage devices. (figure 8, col. 17, line 64 to col. 18, line 37)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Polcyn into the teachings of Fairman et al to allow for better management of resources in servicing requests from devices.

Consider **claim 13**, Fairman et al disclose a resource management centre for management of resources of portable resource modules, each portable resource module being connected to a communication terminal (figures 1, 3, and 6), and each portable resource comprising a resource control mechanism for making ready or releasing resources in the respective resource module, the resources comprising electronic memory units, and which portable resource modules are designed in particular as chipcards (figures 1-3, 5-6; col. 1, lines 4-7; page 12, lines 8-20), comprising:

a receiving module for receiving a first resource management instruction, comprising a module identification, transmitted to the resource management centre (read as cantaloupe manager) (figures 3-7; page 12, lines 1-7 and 21-32; page 13, lines 7-18; page 15, lines 7-11);

a management instruction module for transmitting, to the resource module identified through the module identification, a second resource management instruction via a communication network connectible to the resource management centre (figures 1, 3-7; page 15, line 28 to page 16 line 3);

means for receiving a resource management confirmation via the communication network from the identified resource module concerning resources which have been made ready or

released through the resource control mechanism in accordance with the received second resource management instruction. (figures 1 and 5-7; page 12, lines 8-20; page 14, lines 8-30)

Fairman et al fail to disclose a management module and a data store for storing information about the resources made ready or released, the information being stored in a way assigned to the module identification.

However, Polcyn discloses as known in the art resource management utilizing quantified resource attributes wherein data storage resources may be quantified to allow for better management of resources. A resource manager may be implemented to quantify skills/attributes of such storage devices. (figure 8, col. 17, line 64 to col. 18, line 37)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Polcyn into the teachings of Fairman et al to allow for better management of resources in servicing requests from devices.

Consider **claim 2**, and **as applied to claim 1 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein the module identification and an application request are transmitted by the user of the communication terminal to an application management (read as device software) unit (Fairman et al: figures 1 and 6; page 9, lines 14-16), and

wherein the first resource management instruction is transmitted by the application management unit to the resource management centre on the basis of the received application request, the first resource management instruction comprising a resource user identification (Fairman et al: figures 3, 6 and 7; page 9, lines 14-18; page 13, lines 7-12; page 16, lines 4-16);

wherein the resource user identification is stored, assigned to the module identification, in the resource management centre. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 3**, and **as applied to claim 2 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein a resource preparation confirmation is transmitted form the resource management centre to the application management unit (Fairman et al: figure 6; page 14, lines 22-25),

wherein an application installation request is transmitted from the application management unit via the communication network to the particular resource module (Fairman et al: page 8, lines 18-20; page 9, lines 14-18),

wherein an application is installed in the particular resource module through the resource control mechanism in accordance with the application installation request using the prepared resources (Fairman et al: figure 7; page 16, lines 4-16);

wherein information about the installed application is stored in the application management unit, the information being stored assigned to the module identification. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 4**, and **as applied to claim 1 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein in the resource management centre an application installation request is inserted into the second resource management instruction (Fairman et al: figures 3, 5-7; page 12, lines 8-20; page 16, lines 4-16), and

wherein an application is installed in the particular resource module through the resource control mechanism in accordance with the application installation request (figures 3, 5-7; page 16, lines 4-16);

wherein information about the installed application is stored in the resource management centre, the information being stored assigned to the module identification. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 5**, and **as applied to claim 1 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention except for wherein the communication address of the communication terminal is determined from a data store in which module identifications and communication addresses assigned to these module identifications are stored.

However, Polcyn discloses as known in the art resource management utilizing quantified resource attributes wherein data storage resources may be quantified to allow for better management of resources. A resource manager may be implemented to quantify skills/attributes of such storage devices. (figure 8, col. 17, line 64 to col. 18, line 37)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Polcyn into the teachings of Fairman et al to allow for better management of resources in servicing requests from devices.

Consider **claim 6**, and **as applied to claim 1 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein managed in addition are software resources of

the resource modules (Fairman et al: figures 3-4; page 9, line 7 to page 10, line 6; page 10, lines 8-13; page 11, lines 1-6).

Consider **claim 8**, and **as applied to claim 7 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein the system includes an application management unit for receiving the module identification and an application request from the user of the communication terminal (Fairman et al: figures 1 and 6; page 9, lines 14-16) and for transmitting the first resource management instruction to the resource management centre on the basis of the received application request, (Fairman et al: figures 3, 6 and 7; page 9, lines 14-18; page 13, lines 7-12; page 16, lines 4-16)

the first resource management instruction includes a resource user identification, (Fairman et al: figures 3, 6 and 7; page 9, lines 14-18; page 13, lines 7-12; page 16, lines 4-16) and

wherein the management module includes means for storing in the data store the resource user identification in a way assigned to the module identification. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 9**, and **as applied to claim 8 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein the resource management module comprises a confirmation module for transmission of a resource preparation confirmation to the application management unit, (Fairman et al: figure 6; page 14, lines 22-25)

wherein the application management unit includes an application instructions module for transmitting an application installation request via the communication network to the particular resource module, (Fairman et al: page 8, lines 18-20; page 9, lines 14-18)

wherein the resource control mechanism includes means for installing an application in the respective resource module in accordance with the application installation request and using the prepared resources. (Fairman et al: figure 7; page 16, lines 4-16);

wherein the application management unit includes an application management module for storing information about the installed application, the information being stored assigned to the module identification. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 10**, and **as applied to claim 7 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein the management instruction module includes means for inserting an application installation request into the second resource management instruction, (Fairman et al: figures 3, 5-7; page 12, lines 8-20; page 16, lines 4-16)

wherein the resource control mechanism includes means of installing an application in the respective resource module in accordance with the application installation request (Fairman et al: figures 3, 5-7; page 16, lines 4-16) and

wherein the management module includes means for storing information about the installed application, the information being stored, assigned to the module identification, in the data store. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 11**, and **as applied to claim 7 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein the system comprises an address mapping unit and a data store for determining the communication address of the communication terminal in which data store module identification and communication addresses are assigned to these module identification are stored. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 12**, and **as applied to claim 7 above**, Fairman et al, as modified by Polycn, disclose the claimed invention wherein the resources which are made ready and released through the resource control mechanism further comprise, in addition, software resources. (figures 5-7; page 12, lines 8-20)

Consider **claim 14**, and **as applied to claim 13 above**, Fairman et al, as modified by Polcyn, disclose the claimed invention wherein the management instruction module further comprises means for inserting an application installation request into the second resource management instruction (Fairman et al: figures 3, 5-7; page 12, lines 8-20; page 16, lines 4-16)

wherein the management module further comprises means for storing information about an application installed in the particular resource module in accordance with the application installation request, the information being stored, assigned to the module identification, in the data store. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Consider **claim 15**, and **as applied to claim 13 above**, Fairman et al disclose the claimed invention wherein a confirmation module for transmitting a resource preparation confirmation to

an application management unit from which the first resource management instruction was received by the receiving module (Fairman et al: figures 1 and 5-7; page 12, lines 8-20; page 14, lines 8-30)

Fairman et al fail to disclose the claimed invention wherein the management module further comprises means for storing a resource user identification contained in the first resource management instruction, the resource user identification being stored, assigned to the module identification, in the data store. (Polcyn: figure 8, col. 17, line 64 to col. 18, line 37)

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

January 3, 2007

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/E. Orgad 1/5/07